IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5524 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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THE NEW INDIA ASSURANCE CO.LTDTHRO.LEGAL CELL - Petitioner(s)
Versus
HEENABEN DHIRAJBHAI SONI WD/O DHIRAJLAL JERAM SONI & 8 - Respondent(s)

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Appearance :
MR PV NANAVATI for Petitioner(s) : 1,MR VIBHUTI NANAVATI for Petitioner(s) : 1,
MR MEHUL S SHAH for Respondent(s) : 1 - 6.
MR SURESH M SHAH for Respondent(s) : 1 - 6.
- for Respondent(s) : 7 - 9.

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 02/08/2007

ORAL JUDGMENT

The present petition is filed by the Insurance Company against

the order of the Motor Accident Claims Tribunal, Kutch at Bhuj, refusing permission under section 170 of the Motor Vehicles Act, 1988 [hereinafter referred to as 'the Act'] to the Insurance Company.

I have heard Mr. Nanavati, learned advocate for the petitioner and Mr. Mehul S Shah, learned advocate for respondents. Mr. Mehul Shah states that he has no objection if the permission under section 170 of the Act is granted to the petitioner. In other words, he concedes and, therefore, the petition is allowed. The petitioner is granted permission under section 170 of the Act. The impugned order dated 11/12/2006 is quashed and set aside. Rule made absolute with no order as to costs. Considering the fact that the petition is of the year 2002 and the claimants are senior citizens, the Tribunal is directed to expedite the proceedings and complete it as early as possible.

[Akshay H Mehta, J.]

* Pansala.